

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ALISON O'DONNELL

Plaintiff,

vs.

UNIVERSITY HOSPITALS HEALTH  
SYSTEM, *et al.*,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

CASE NO. 1:16-CV-2480

JUDGE DONALD C. NUGENT

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND DEFENDANTS'  
MOTION FOR LEAVE *INSTANTER* TO EXCEED THE PAGE LIMIT SET FORTH IN  
LOCAL RULE 7.1 FOR THEIR MOTION FOR SUMMARY JUDGMENT**

Defendants, University Hospitals Cleveland Medical Center (misnamed in the Complaint as University Hospitals Health System) ("UHCMC"), Dr. Naveen Uli ("Uli"), Dr. Sumana Narasimhan ("Narasimhan"), Dr. Rose Gubitosi-Klug ("Gubitosi-Klug"), and William Rebello ("Rebello") (collectively, "Defendants") by and through their undersigned counsel, hereby oppose Plaintiff Allison O'Donnell's Motion to Strike Defendants' Motion for Summary Judgment and move, *instantly*, for leave to exceed the page limit set forth in Local Rule 7.1 for their Motion for Summary Judgment. A brief memorandum in support is attached hereto.

Respectfully submitted,

/s/ David A. Campbell

---

David A. Campbell (0066494)

Liana R. Hollingsworth (0085185)

Donald G. Slezak (0092422)

**VORYS, SATER, SEYMOUR AND PEASE LLP**

200 Public Square, Suite 1400

Cleveland, OH 44114

Telephone: 216-479-6100

Facsimile: 216-479-6060

Email: [dacampbell@vorys.com](mailto:dacampbell@vorys.com)

[lrhollingsworth@vorys.com](mailto:lrhollingsworth@vorys.com)

[dgslezak@vorys.com](mailto:dgslezak@vorys.com)

*Counsel for Defendants*

**MEMORANDUM IN SUPPORT**

Defendants mistakenly misread Local Rule 7.1 as providing for a 30-page limit for memoranda in support of motions filed in a standard track case. Believing that to be the case, Defendants, in good faith, filed their Motion for Summary Judgment containing 23 pages – well below the 30-page limit Defendants mistakenly applied. Because (1) Defendants, in good faith, believed that they were in compliance with Local Rule 7.1; (2) Plaintiff has not suffered any prejudice as a result of Defendants’ honest mistake; and (3) Defendants would suffer immense harm and prejudice if Plaintiff’s Motion to Strike is granted, Defendants respectfully request that Plaintiff’s Motion to Strike be denied in its entirety.

Defendants also request that this Court allow Defendants to exceed the 20-page limit set forth in Local Rule 7.1 for their Motion for Summary Judgment. Permission to exceed the 20-page limit is necessary due to the extensive factual and legal nature concerning the nine claims asserted by Plaintiff in her Complaint. Indeed, nine depositions were taken in this case. The extensive factual and legal nature of this case is further evidenced by the 235 pages of exhibits attached to Defendants’ Motion for Summary Judgment, which includes, among other items, Plaintiff’s lengthy performance reviews and pages from the nine depositions Defendants’ cite in support of their Motion for Summary Judgment.

Despite the extensive factual and legal nature of this case, Defendants were able to succinctly address all nine of Plaintiff’s claims in 23 pages. Plaintiff will not suffer any prejudice if this Court allows Defendants to exceed the page limit set forth in Local Rule 7.1 by three pages. Further, Defendants have no objection to Plaintiff’s request to exceed the page limit in her opposition to Defendants’ Motion for Summary Judgment.

Accordingly, Defendants respectfully request that this Court deny Plaintiff's Motion to Strike Defendant's Motion for Summary Judgment and grant Defendant's Motion for Leave *Instante* to Exceed the Page Limit Set Forth in Local Rule 7.1 for their Motion for Summary Judgment.

Respectfully submitted,

/s/ David A. Campbell

David A. Campbell (0066494)

Liana R. Hollingsworth (0085185)

Donald G. Slezak (0092422)

**VORYS, SATER, SEYMOUR AND PEASE LLP**

200 Public Square, Suite 1400

Cleveland, OH 44114

Telephone: 216-479-6100

Facsimile: 216-479-6060

Email: [dacampbell@vorys.com](mailto:dacampbell@vorys.com)

[lrhollingsworth@vorys.com](mailto:lrhollingsworth@vorys.com)

[dgslezak@vorys.com](mailto:dgslezak@vorys.com)

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**{ TC "CERTIFICATE OF SERVICE" \f C \l "1" }

The undersigned hereby certifies that a true and accurate copy of the foregoing *Opposition to Plaintiff's Motion to Strike Defendants' Motion for Summary Judgment and Defendants' Motion for Leave Instantly to Exceed the Page Limit Set Forth In Local Rule 7.1 for Their Motion For Summary Judgment* was filed electronically on this 1st day of December 2017. Notice of this filing will be sent to all parties, when applicable, by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system. If parties will not receive notice via the Court's electronic filing system, a true and correct copy of the foregoing will be served via regular United States Mail, postage prepaid, upon the following:

Fred M. Bean, Esq.  
**THE SPITZ LAW FIRM, LLC**  
25200 Chagrin Boulevard, Suite 200  
Beachwood, OH 44122  
Fred.Bean@SpitzLawFirm.com

/s/ David A. Campbell  
David A. Campbell (0066494)  
Liana R. Hollingsworth (0085185)  
Donald G. Slezak (0092422)  
**VORYS, SATER, SEYMOUR AND PEASE LLP**